

# UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America

v.

HECTOR MERCED

Date of Previous Judgment: 08/05/2010

(Use Date of Last Amended Judgment if Applicable)

)

)

)

)

)

)

Case No: 2:08-CR-725-01

USM No: 29089-050

AFPD DAVID HOLMAN

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

Other (explain):

### III. ADDITIONAL COMMENTS

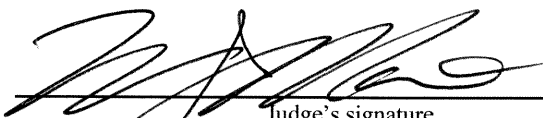
Defendant is ineligible. A variance placed Defendant at the bottom of the range under the Fair Sentencing Act.

Except as provided above, all provisions of the judgment dated 08/05/2010 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 04/25/12

Effective Date: \_\_\_\_\_  
(if different from order date)

  
\_\_\_\_\_  
Judge's signature

\_\_\_\_\_  
WILLIAM J. MARTINI, U.S.D.J.  
Printed name and title